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In re Application of: BRUN, Andreas
U.S. Application No.: 10/049,454
PCT No: PCT/IB00/01295
Int'l Filing Date: 02 August 2000
Priority Date: 12 August 1999
Attorney's Docket No.: MERTE.Y3-20
For: SLEEPING BAG

DECISION ON SECOND
RENEWED PETITION UNDER
37 CFR 1.137(b)

In a decision mailed herein on 28 August 2006, applicant's renewed petition for revival under 37 CFR 1.137(b) was dismissed without prejudice for failure to satisfy all the requirements for a grantable petition. Specifically, applicant had not provided an adequate showing that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition was unintentional.

On 20 September 2006, applicant filed the second renewed petition considered herein. The submission includes a new statement from current counsel, confirming the unsuccessful attempts to contact prior counsel regarding the delay, and it also includes a statement from applicant's German agent confirming that applicant never intended to abandon the present application. These statements, in combination with the previously filed materials, satisfy the requirement of 37 CFR 1.137(b)(3), the final outstanding requirement for a grantable petition.

Applicant's second renewed petition for revival under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 08 December 2004.¹

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¹ This is the date that the required U.S. small entity national fee was reduced to \$150, an amount which applicant's earlier \$440 payment satisfies (the payment was inadequate when submitted, because the applicable fee was \$460 at such time).